



Reprinted
February 1, 2006

HOUSE BILL No. 1123

DIGEST OF HB 1123 (Updated January 31, 2006 5:47 pm - DI 14)

Citations Affected: IC 4-23; IC 33-37; noncode.

Synopsis: Sexual assault standards and certification board. Creates the sexual assault standards and certification board (board) to certify sexual assault victim advocates. Requires the board to convene not later than October 1, 2006. Transfers control of the sexual assault victims account from the state department of health to the board. Repeals the sexual assault victims assistance fund and replaces it with the sexual assault victims account.

Effective: Upon passage.

Budak, Lawson L

January 5, 2006, read first time and referred to Committee on Family, Children and Human Affairs.

January 25, 2006, amended, reported — Do Pass.

January 31, 2006, read second time, amended, ordered engrossed.

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HB 1123—LS 7027/DI 107+



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February 1, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE BILL No. 1123

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-23-25-9 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The department
3 of workforce development established by IC 22-4.1-2 shall provide
4 staff and administrative support to:

5 (1) the commission; **and**

6 (2) **the sexual assault standards and certification board.**

7 SECTION 2. IC 4-23-25-11 IS ADDED TO THE INDIANA CODE
8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: **Sec. 11. (a) As used in this section, "board"**
10 **refers to the sexual assault standards and certification board**
11 **established by subsection (c).**

12 (b) **As used in this section, "rape crisis center" means an**
13 **organization that provides a full continuum of services, including**
14 **hotlines, victim advocacy, and support services from the onset of**
15 **the need for services through the completion of healing, to victims**
16 **of sexual assault.**

17 (c) **The sexual assault standards and certification board is**

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established. Except as provided in subsection (o), the board consists of the executive director of the commission for women established by section 3 of this chapter and the following additional nine (9) members appointed by the governor:

(1) A member recommended by the prosecuting attorneys council of Indiana.

(2) A member from law enforcement.

(3) A member representing a rape crisis center.

(4) A member recommended by the Indiana Coalition Against Sexual Assault.

(5) A member representing mental health professionals.

(6) A member representing hospital administration.

(7) A member who is a health care professional (as defined in IC 16-27-1-1) qualified in forensic evidence collection.

(8) A member who is an employee of the criminal justice institute.

(9) A member who is a survivor of sexual violence.

(d) Except for the executive director of the commission for women, a member serves a four (4) year term. Not more than five (5) members may be of the same political party.

(e) The executive director of the commission for women shall serve as chairperson of the board. The board shall meet at the call of the chairperson.

(f) The board shall meet at the call of the chairperson. Five (5) members of the board constitute a quorum.

(g) The board shall:

(1) develop standards for certification as a sexual assault victim advocate;

(2) set fees that cover the costs for the certification process;

(3) adopt rules under IC 4-22-2 to implement this section;

(4) administer the sexual assault victims assistance account established by subsection (i); and

(5) certify sexual assault victim advocates to provide advocacy services.

(h) Members of the board may not receive salary per diem. Members of the board are entitled to receive reimbursement for mileage for attendance at meetings. Any other funding for the board is paid at the discretion of the director of the office of management and budget.

(i) The sexual assault victims assistance account is established within the state general fund. The board shall administer the account to provide financial assistance to rape crisis centers.

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1 Money in the account must be distributed to a statewide nonprofit
 2 sexual assault coalition as designated by the federal Centers for
 3 Disease Control and Prevention under 42 U.S.C. 280 et seq. The
 4 account consists of:

- 5 (1) amounts transferred to the account for sexual assault
- 6 victims assistance fees collected under IC 33-37-5-23;
- 7 (2) appropriations to the account from other sources;
- 8 (3) fees collected for certification by the board;
- 9 (4) grants, gifts, and donations intended for deposit in the
- 10 account; and
- 11 (5) interest accruing from the money in the account.

12 (j) The expenses of administering the account shall be paid from
 13 money in the account. The board shall designate not more than ten
 14 percent (10%) of the appropriation made each year to the
 15 nonprofit corporation for program administration. The board may
 16 not use more than ten percent (10%) of the money collected from
 17 certification fees to administer the certification program.

18 (k) Money in the account collected from fees for administering
 19 the certification program is continually appropriated.

20 (l) The treasurer of state shall invest the money in the account
 21 not currently needed to meet the obligations of the account in the
 22 same manner as other public money may be invested.

23 (m) Money in the account at the end of a state fiscal year does
 24 not revert to the state general fund.

25 (n) Money in the account is continuously appropriated for the
 26 purposes of this section.

27 (o) If the position of the executive director of the commission for
 28 women is vacant, the governor shall appoint a member of the
 29 commission to the board until the executive director position is
 30 filled.

31 (p) If a vote of the board is a tie, the position for which the
 32 chairperson voted shall be treated as the position adopted by the
 33 commission.

34 SECTION 3. IC 33-37-7-2, AS AMENDED BY P.L.176-2005,
 35 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 UPON PASSAGE]: Sec. 2. (a) The clerk of a circuit court shall
 37 distribute semiannually to the auditor of state as the state share for
 38 deposit in the state general fund seventy percent (70%) of the amount
 39 of fees collected under the following:

- 40 (1) IC 33-37-4-1(a) (criminal costs fees).
- 41 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 42 (3) IC 33-37-4-3(a) (juvenile costs fees).

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(4) IC 33-37-4-4(a) (civil costs fees).

(5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(6) IC 33-37-4-7(a) (probate costs fees).

(7) IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

(3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).

(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).

(5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

(6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.

(7) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed

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by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(f) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance ~~fund~~ **account** established by ~~IC 16-19-13-6~~ **IC 4-23-25-11(i)** one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(h) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

(i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The judicial salaries fees collected under IC 33-37-5-26.

(3) The DNA sample processing fees collected under IC 33-37-5-26.2.

(4) The court administration fees collected under IC 33-37-5-27.

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(j) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(k) The proceeds of the service fee collected under IC 33-37-5-28 shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

SECTION 4. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 16-18-2-307.5; IC 16-19-13-6.

SECTION 5. [EFFECTIVE UPON PASSAGE] (a) **As used in this SECTION, "board" means the sexual assault standards and certification board established by IC 4-23-25-11, as added by this act.**

(b) **The initial terms of office for the nine (9) members appointed to the board under IC 4-23-25-11, as added by this act, are as follows:**

(1) **Three (3) members for a term of four (4) years.**

(2) **Two (2) members for a term of three (3) years.**

(3) **Two (2) members for a term of two (2) years.**

(4) **Two (2) members for a term of one (1) year.**

The governor shall specify the term of each member described in this subsection when making the initial appointment.

(c) **The initial terms begin July 1, 2006.**

(d) **The governor shall convene the first meeting of the board.**

(e) **The first meeting of the board shall convene not later than October 1, 2006.**

(f) **This SECTION expires July 1, 2010.**

SECTION 6. [EFFECTIVE UPON PASSAGE] (a) **All assets, funds, rights, and obligations of the sexual assault victims assistance fund established by IC 16-19-13-6, as repealed by this act, on June 30, 2006, are transferred to the sexual assault victims assistance account established by IC 4-23-25-11, as added by this act, on July 1, 2006.**

(b) **This SECTION expires July 2, 2006.**

SECTION 7. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1123, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 1, delete "established and" and insert **"established. Except as provided in subsection (o), the board"**.

Page 2, line 1, after "of" insert **"the executive director of the commission for women established by section 3 of this chapter and"**.

Page 2, line 1, delete "seven (7)" and insert **"additional nine (9)"**.

Page 2, line 3, delete "commission." and insert **"prosecuting attorneys council of Indiana."**

Page 2, line 5, delete "from the judicial system." and insert **"representing a rape crisis center."**

Page 2, between line 10 and 11, begin a new line block indented and insert:

"(8) A member who is an employee of the criminal justice institute.

(9) A member who is a survivor of sexual violence."

Page 2, line 11, delete "A" and insert **"Except for the executive director of the commission for women, a"**.

Page 2, line 11, after "than" delete "four" and insert **"five"**.

Page 2, line 12, delete "(4)" and insert **"(5)"**.

Page 2, line 15, delete "Four (4)" and insert **"Five (5)"**.

Page 2, delete line 21.

Page 2, line 22, delete "." and insert **";"**.

Page 2, between lines 22 and 23, begin a new line block indented and insert:

"(4) administer the sexual assault victims assistance account established by subsection (i); and

(5) certify sexual assault victim advocates to provide advocacy services."

Page 2, line 29, after "nonprofit" insert **"sexual assault coalition as designated by the federal Centers for Disease Control and Prevention under 42 U.S.C. 280 et seq."**

Page 2, delete lines 30 through 31.

Page 2, line 32, delete "money in the account to rape crisis centers."

Page 2, run in lines 29 through 32.

Page 3, between lines 13 and 14, begin a new paragraph and insert:

"(o) If the position of the executive director of the commission

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for women is vacant, the governor shall appoint a member of the commission to the board until the executive director position is filled.

(p) If a vote of the board is a tie, the position for which the chairperson voted shall be treated as the position adopted by the commission."

Page 5, line 38, delete "seven (7)" and insert "**nine (9)**".

Page 5, line 41, delete "Two (2)" and insert "**Three (3)**".

Page 6, line 2, delete "One (1) member" and insert "**Two (2) members**".

and when so amended that said bill do pass.

(Reference is to HB 1123 as introduced.)

BUDAK, Chair

Committee Vote: yeas 8, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1123 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 6 with "[EFFECTIVE UPON PASSAGE]".

Page 2, line 13, delete "an emergency room nurse." and insert "**a health care professional (as defined in IC 16-27-1-1) qualified in forensic evidence collection.**".

Page 2, line 20, delete "The members of the board shall elect a member to serve as" and insert "**The executive director of the commission for women shall serve as chairperson of the board. The board shall meet at the call of the chairperson.**".

Page 2, delete line 21.

Page 2, line 35, after "meetings." insert "**Any other funding for the board is paid at the discretion of the director of the office of management and budget.**".

Page 6, line 11, after "(a)" insert "**As used in this SECTION, "board" means the sexual assault standards and certification board established by IC 4-23-25-11, as added by this act.**

(b)".

Page 6, line 12, delete "sexual assault".

Page 6, line 13, delete "standards and certification".

Page 6, line 21, delete "(b)" and insert "(c)".

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Page 6, line 22, delete "(c)" and insert "(d)".

Page 6, line 22, delete "sexual".

Page 6, line 23, delete "assault standards and certification".

Page 6, between lines 23 and 24, begin a new paragraph and insert"
**"(e) The first meeting of the board shall convene not later than
 October 1, 2006."**

Page 6, line 24, delete "(d)" and insert "(f)".

Page 6, after line 31, begin a new paragraph and insert:

"SECTION 7. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1123 as printed January 26, 2006.)

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